

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**RACHEL RENA MADDUX, et al.,
Debtors,**

**Consolidated Contested Matters
Case Nos. 15-33574, 15-33590,
15-34358, 15-34453,
15-35437, 15-36032**

v.

**MIDLAND CREDIT MANAGEMENT, INC., as
Agent for MIDLAND FUNDING, LLC,
Creditor.**

ORDER

On September 13, 2016, the parties, by counsel, appeared and the Court heard argument on Debtors' Motion for Summary Judgment. The Debtors identified the following fifteen Proofs of Claim submitted by Midland.

<u>Debtor Name</u>	<u>Claim No.</u>
Rachel Maddux	13-1
Rachel Maddux	14-1
Rachel Maddux	18-1
Jeffrey Light	8-1
Jeffrey Light	9-1
Patricia A. Jones	7-1
Patricia A. Jones	8-1
Patricia A. Jones	9-1
Patricia A. Jones	10-1
Patricia A. Jones	11-1
Calvin A. Johnson	6-1
Calvin A. Johnson	7-1
Calvin A. Johnson	8-1
Rae Blaha	7-1
Rae Blaha	8-1

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In each of the claims, after objection by the Debtor, Midland filed an amended Proof of Claim.

<u>Debtor Name</u>	<u>Claim No.</u>
Rachel Maddux	13-2
Rachel Maddux	14-2
Rachel Maddux	18-2
Jeffrey Light	8-2
Jeffrey Light	9-2
Patricia A. Jones	7-2
Patricia A. Jones	8-2
Patricia A. Jones	9-2
Patricia A. Jones	10-2
Patricia A. Jones	11-2
Calvin A. Johnson	6-2
Calvin A. Johnson	7-2
Calvin A. Johnson	8-2
Rae Blaha	7-2
Rae Blaha	8-2

All of the Proofs of Claim used forms that stated that no interest or fees were included in the claim amount. The Court finds in each Proof of Claim Midland failed to comply with Bankruptcy Rule 3001(c)(2)(A)'s requirement of identifying that interest, fees, or other charges were included in amount claimed. Debtors' Motion for Summary Judgment that Midland's Proofs of Claim violated Rule 3001 is granted.

Plaintiff's Motion for Summary Judgment on willfulness is denied at this time because factual issues may remain to be decided at trial.

Date: Sep 19 2016

/s/ Kevin R Huennekens
United States Bankruptcy Judge

Entered on Docket: Sep 21 2016

We ask for this:

/s/ Mark C. Leffler

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/s/ Mark C. Leffler for David R. Ruby w/permission via email dated 09/15/16

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CERTIFICATION

I certify that a copy of this Order has been endorsed by all necessary parties.

/s/ Mark C. Leffler

Counsel for Debtor

PARTIES TO RECEIVE COPIES

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